

**STANDING ORDER 1-06. ESTABLISHMENT OF SPECIALIZED SESSIONS
BOSTON MUNICIPAL COURT DEPARTMENT**

I. Authority

This Standing Order is promulgated by the Chief Justice of the Boston Municipal Court Department (“the Department”), pursuant to G. L. c. 211B, § 10 and G. L. c. 218, § 51A.

II. Purpose and Applicability

The Department recognizes the benefits of providing focused interventions to address specific public health and safety issues presented by individuals appearing in criminal or civil matters brought before the courts. Certain courts within this Department currently provide a variety of such interventions. In order to achieve consistency, accountability and the efficient use of existing resources, this Order establishes uniform procedures to be followed by all courts of the Department for the creation or continued operation of the intervention referred to as a “specialized session.”

III. Definitions

In construing this Order, a “specialized session” shall be defined as any regularly-scheduled court session which focuses exclusively on the particularized behavior and health of a criminal defendant or on a specific case type. Such sessions may include, but are not limited to, proceedings which depart from customary court processes and may involve a recommended treatment modality, intensive probation supervision, greater judicial oversight, or priority scheduling of case proceedings.

IV. Required Protocols and Procedures

A. Approval. As of the effective date of this Order, specialized sessions may only be initiated or maintained by the Chief Justice of the Department or upon the request of a First Justice with the approval of the Chief Justice. It shall be the responsibility of the First Justice of any court currently conducting a specialized session to submit a plan, in accordance with Section IV, B, for its continued operation to the Chief Justice within forty-five days of the effective date of this Order.

B. Description of Plan. After consultation with the Clerk Magistrate, Chief Probation Officer and Chief Court Officer, the First Justice of any court seeking to establish or continue a specialized session must submit a written plan to the Chief Justice which addresses the following issues: (a) the particularized need for and benefits of the proposed specialized session, including reasons which are consistent with the purposes found in Section II; (b) the availability of staffing resources, including security, and a description of the additional workload created by the proposed specialized session; (c) a protocol outlining the eligibility, operating procedures and frequency of scheduling for the proposed session; (d) the performance standards expected of persons participating in the specialized sessions; (e) the necessity for additional training of court personnel; and (f) the methodology to be used for data collection and reporting.

C. General Provisions Applicable to All Specialized Sessions. It shall be the responsibility of the First Justice to insure compliance with this Order. All specialized session proceedings shall be conducted on the record and in a public courtroom. Consistent with S.J.C. Rule 3:09 (2003), Code of Judicial Conduct, Canon 3, a judge is prohibited from receiving substantive, case-specific information outside the courtroom. All departmental judges are eligible for and subject to assignment to any specialized session and must familiarize themselves with all applicable protocols. Each court shall maintain statistical data, including the number of referrals to a session; the status of each case; a description of all case activity; and the next scheduled event. Such data shall be submitted to the Chief Justice on a monthly basis. Specialized session cases must comply with all applicable time standards provided by Boston Municipal/District Court Joint Standing Orders 2-04 and 3-04.

D. Duration and Periodic Review. Authorization to conduct a specialized session will expire two years after initial approval is granted unless otherwise ordered by the Chief Justice. Any plan for the continued operation of an approved specialized session must be submitted by the First Justice within sixty days of expiration and address the issues enumerated in Section IV, B. The Chief Justice may terminate the operation of a specialized session at any time.

Dated

Charles R. Johnson
Chief Justice